

REMARKS

Claim 1-18 are in the application. In the most recent office action an objection was raised to the drawings because Figure 3 was not identified therein as prior art. A replacement sheet is now submitted in order to comply with this requirement. An objection was also raised to the title. Accordingly the title is amended to be more indicative of the claimed invention. Claims 3 and 8 were rejected under Section 112 based on lack of antecedent basis. These claims are amended to overcome the rejection.

All of the claims were rejected under Section 102 or Section 103 based on Shaffer (U.S. 5,960,001) alone or in combination with Schenkel (U.S. 5,157,659). Reconsideration and allowance is requested in view of the amendments made to the independent claims and in view of the following remarks.

While the independent claims 1, 6 and 10 are amended to more clearly distinguish of over the Shaffer reference, applicants respectfully disagree with the Examiner's rejections. That is, none of the Examiner's citations from the Shaffer reference to support the rejection contain the subject matter presented in the claims as examined. For example, claim 1 as examined (prior to the present amendment) recited: "... the first phase is characterized by a defined receive time of the end of the respective telegram at the second user." The passages cited in Shaffer do not relate to defining a phase in a transmission cycle based on a receive time of the end of a telegram or data packet.

Applicants have nonetheless amended the claims 1, 6 and 10 to remove possible ambiguity which might have caused the Examiner to apply the Shaffer reference (although applicants are not aware of how the Examiner might construe the claim language to so apply the Shaffer reference).

Still, applicants contend that none of the prior art teaches or suggests the following subject matter of claim 1:

"sending ... data telegrams assigned a first priority during a first phase ... to second users wherein ... transmission ... during the first phase is characterized by a defined receive time of the end of the respective data telegram at one of the second users."

Nor does the prior art disclose the subject matter of claims 6 or 10. Claim 6 requires that:

“telegrams assigned a first priority are sent from first users to second users during a first phase with the first phase being characterized by a pre-defined receive time of the end of each sent data telegram at one of the second users.” [Emphasis Added.]

Claim 10 requires that:

“a first usable portion of a transmission interval is used during a first phase for sending data telegrams assigned a first priority from a first user to one or more second users, with the first phase having a pre-defined receive time for receipt of the end of a data telegram assigned the first priority at one of the second users. [Emphasis Added.]

The Schenkel reference does not at all compensate for the deficiencies of the Shaffer reference.

#### Conclusion

Based on the above amendments and the argument presented, the application should be allowed. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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Enclosure: One Sheet of Replacement Drawing